

MARSHALL DIVISION

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CIVIL ACTION NO. 2:11cv192

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ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Charles Everingham IV. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted and as frivolous in that it lacks any basis in law and fact pursuant to 28 U.S.C. § 1915A(b)(1). Any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this 5th day of July, 2011.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE